IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.34840 of 2008
ANIL BAITHA, son of Shri Jaleshwar Baitha, resident of village –Gopalpur, P.S. Vaishali, District Vaishali …… Petitioner
Versus
STATE OF BIHAR …. Opposite party
with
Cr.Misc. No.34846 of 2008
ANIL BAITHA, son of Jaleshwar Baitha, resident of village- Gopalpur, Police Station Vaishali, District Vaishali …… Petitioner
Versus
STATE OF BIHAR …. Opposite party

04/ 17.10.2008 Heard learned counsel for the petitioner and the State.

Petitioner is an accused in Goraul P.S. Case No. 25 of 2006 registered for the offence under Section 302 and other allied Sections of the Indian Penal Code and Section 27 of the Arms Act as also in Vaishali P.S.Case No. 98 of 2007 registered for the offence under Sections 25(1-B)26,35 of the Arms Act.

In Goraul P.S. Case No. 25 of 2006, petitioner has been named by the co-accused, Binod Rai, who has been named in the First Information Report as one of the five unknown associates of the said Binod Rai, who resorted to firing leading to the death of the salesman in the shop. It also appears from the First Information Report that Binod Rai had earlier demanded extortion amount from the informant-shop owner, but on the failure of the informant to pay the same, Binod Rai along with his five unknown associates raided the shop of the informant and resorted to firing, killing the salesman. Binod Rai was identified by the informant and named in the First Information Report and after Binod Rai was apprehended, he named the petitioner.

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In the circumstances, I am not inclined to admit the petitioner to the privilege of bail, although he is in jail custody for over a year. The trial court, however, is directed to expedite the trial.

Vaishali P.S. Case No. 98 of 2007 was lodged as petitioner being an absconder, his house was raided to secure his arrest and he was apprehended along with other criminal, Ram Naresh Sahani from whose custody one loaded pistol and from the custody of the petitioner one live cartridge was recovered. In the circumstances, he does not deserve bail in the said case as well.

Both the applications are, accordingly, rejected.

Let the petitioner face trial.

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Arjun/ **(V.N. Sinha, J.)**